

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

DAVID E. MACK  
Plaintiff,

vs.

CAPITAL MANAGEMENT  
SERVICES LP  
Defendant.

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Case No. 4:12-cv-314

JUDGE RON CLARK

TRIAL BY JURY DEMANDED

**AMENDED JOINT STATUS REPORT**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Defendant, CAPITAL MANAGEMENT SERVICES LP  
("CAPITAL") and Plaintiff, DAVID E. MACK, and file the following Amended Joint Status  
Report and Proposed Scheduling Plan:

**(1) Rule 26(f) Conference:** Plaintiff David E. Mack and counsel for Capital Management Services, LP conducted a Rule 26(f) Conference on September 10, 2012 and discussed the allegations asserted in this lawsuit, settlement options, proposed deadlines, initial disclosures, discovery and electronic discovery.

**(2) A brief factual and legal synopsis of the case.**

(a) **Plaintiff.** Plaintiff alleges Defendant violated the Fair Credit Reporting Act, 15 U.S.C. §1681, et. seq ("FCRA"). Plaintiff seeks actual damages, statutory damages, and costs of court pursuant to the FCRA.

(b) **Defendant.** The Defendant denies the factual allegations. Defendant denies violation of the statutes as alleged, or if violations occurred, it was unintentional and a bona fide error. Defendant denies that Plaintiff has standing to assert said claims and Plaintiff is not entitled to any damages.

**(2) State the jurisdictional basis for this suit.**

Jurisdiction appears to be appropriate pursuant to 15 U.S.C. § 1962, et seq. Venue appears to be proper under 28 U.S.C. § 1391(b) because Defendant transacts business this venue.

- (3) Confirm that initial mandatory disclosure required by Rule 26(a)(1) and this order has been completed.**

The parties have agreed to complete initial mandatory disclosures by September 17, 2012. Plaintiff David Mack has already sent initial disclosures.

- (4) Proposed scheduling order deadlines. Appendix 1 has standard deadlines. Explain any major deviations from standard schedule. Now is the time to inform the court of any special complexities or need for more time before the trial setting. The standard schedule is planned so that there is time to rule on dispositive motions before parties begin final trial preparation.**

Proposed Agreed Scheduling Order is attached.

- (5) If the parties agree that mediation is appropriate, and the parties can agree upon a mediator, the name, address, and phone number of that mediator, and a proposed deadline should be stated. An early date is encouraged to reduce expenses. The court will appoint a mediator upon request.**

In light of the amount in controversy, the parties do not agree that mediation is appropriate. However, the parties would agree to a settlement conference before a United States Magistrate.

- (6) The identity of persons expected to be deposed.**

Plaintiff intends on conducting the deposition(s) of the following:

1. Any witnesses (fact or expert) designated by Defendant.

Defendant intends on conducting the depositions of the following:

1. Plaintiff David E. Mack
2. Any witness (fact or expert) designated by Plaintiff David E. Mack

- (7) Any issues relating to disclosure or discovery of electronically stored information, including the form or forms in which it should be produced.**

None known at this time.

- (8) Any issues relating to preserving discoverable information, including electronically stored information.**

None known at this time.

- (9) Whether any other orders should be entered by the Court pursuant to Fed. Civ. P. 26(c), Fed. R. Civ. P. 16(b) or Fed. R. Civ. P. 16(c).**

None.

- (10) Estimated trial time.**

2-3 days.

- (11) The names of the attorneys who will appear on behalf of the parties at the management conference (the appearing attorney must be an attorney of record and have full authority to bind the client).**

Kandy E. Messenger  
Sprott Rigby Newsom Robbins & Lunceford, PC  
2211 Norfolk Suite 1150  
Houston, Texas 77058  
(713) 523-8338 ext. 1954  
Counsel for Defendant

David Mack  
7720 McCallum Boulevard #2099  
Dallas, Texas 75272  
Plaintiff Pro Se

- (12) Any other matters counsel deems appropriate for inclusion in the joint conference report.**

None at this time.

Respectfully Submitted

SPROTT RIGBY NEWSOM ROBBINS,  
& LUNCEFORD, P.C.

By: /s/ Kandy E. Messenger

KANDY E. MESSENGER

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on the **17th of September, 2012**, a true and correct copy of the foregoing was served as follows:

David E. Mack  
7720 McCallum Blvd. #2099  
Dallas, TX 75252  
*Pro Se Plaintiff*

***CM, RRR #7011 2000 0000 9032 2173***

*/s Kandy E. Messenger*  
Kandy E. Messenger